

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RYAN KARNOSKI, et al.,

Plaintiffs,

v.

DONALD J TRUMP, et al.,

Defendants.

CASE NO. C17-1297 MJP

ORDER RE: SEPTEMBER 29, 2020
STATUS CONFERENCE;

OUTLINING PRODUCTION
SCHEDULE

THIS MATTER comes before the Court upon the Court's July 15, 2020 Order (Dkt. No. 545), Order Denying the Motion to Stay the Court's July 15, 2020 Order (Dkt. No. 566), the Parties' Joint Status Report (Dkt. No. 615), and the Court's September 29, 2020 Status Conference (Dkt. No. 616). Having reviewed the Joint Status Report and having heard from the Parties, the Court GRANTS Defendants' request for an extension of time to respond to the Court's July 15, 2020 Order and Order Denying the Motion to Stay the July 15, 2020 Order, which required the Government to produce all documents withheld solely on the basis of the Deliberative Process Privilege ("DPP") outside the timeframes of July 13, 2015 through June 30,

2016 and September 14, 2017 through January 11, 2018 by August 28, 2020 or to submit those documents to the Court for *in camera* review by the same date. The Court therefore adopts Defendants' proposed timeline for producing these documents (Dkt. No. 615 at 6), with one modification described below:

- **By October 7**, produce to Plaintiffs all documents from the time period July 26, 2017 to September 14, 2017 that Defendants will not be submitting for *in camera* review.
- **By October 9**, submit all remaining documents from the time period July 26, 2017 to September 14, 2017 for *in camera* review. During the September 29, 2020 Status Conference, the Parties agreed to this modification of the Government's proposed October 16, 2020 date.
- **By October 23**, produce to Plaintiffs documents from the time period January 20, 2017 to July 25, 2017 that Defendants do not anticipate submitting for *in camera* review.
- **By October 30**, submit all remaining documents from the time period January 20, 2017 to July 25, 2017 to the Court for *in camera* review.
- **By November 6**, produce to Plaintiffs all remaining documents from the Court's presumptively non-predecisional timeframes withheld solely based on the DPP that Defendants do not anticipate submitting for *in camera* review.
- **By November 13**, submit all remaining withheld documents from these timeframes for *in camera* review and produce to Plaintiffs any remaining documents from the Court's presumptively non-predecisional timeframes solely withheld for DPP.

Each of the Government's submissions for *in camera* review must include: (1) a declaration certifying that at least one of the Government attorneys who have entered an appearance in this matter has personally reviewed each submitted document; (2) a privilege log

1 that identifies the document, date, DoD number, and PrivWithhold number for each document
2 submitted for *in camera* review. The privilege log must be filed on the docket, produced to
3 Plaintiffs, and submitted to the Court as an Excel Spreadsheet; (3) courtesy copies of the
4 documents submitted to the Court in labelled binders by the date the documents are due.

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6 The clerk is ordered to provide copies of this order to all counsel.

7 Dated September 29, 2020.

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10 Marsha J. Pechman
11 United States Senior District Judge
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